

**COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 2012-02**

**AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR ALL ELECTED AND
APPOINTED OFFICIALS IN THE COUNTY OF YORK, COMMONWEALTH OF
PENNSYLVANIA.**

BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

The York County Code, Part II, Chapter 126, is amended as follows:

ARTICLE I:

§126. Code of Conduct for Elected and Appointed Officials of the County of York.

§126.1 INTRODUCTION:

The purpose of this Code of Conduct ("Code") is to define the expected conduct of elected and appointed County officials. This Code consists of policies and implementing rules intended to advance the County's goal of providing efficient and high quality services to its residents, and providing a safe and productive work environment for its employees.

§126.2 BACKGROUND

The County of York is a county governed by Commissioners who are elected by the citizens of the County of York. The Commissioners, with the assistance of its appointed officials, authorities, commissions and boards, with varying degrees of autonomy, make policies and fundamental governmental decisions. The County administrator is charged with implementing those policies and decisions and administering the day-to-day affairs of the county, with the assistance of his or her staff. The Commissioners have direct authority over the County Administrator and the Solicitor.

The Warden of York County reports to the Prison Board. The Administrator of the County Nursing Home reports directly to the Commissioners. All other employees of the County are under the direct

authority of the County Administrator, and the County Commissioners, except the employees of the "Row Officers" and those that are employed in the Judicial system.

The compensation of the County Common Pleas Court Judges, the District Justices and two Court Administrators is paid by the Commonwealth of Pennsylvania. However, the "County Code" requires the County to provide the necessary buildings, furnishings, equipment and compensation for employees that are required by the Judicial System, including the remaining Row Officers, who fill the other elected offices in the system. These include the District Attorney, the Register of Wills, the Prothonotary, the Recorder of Deeds, the Clerk of Courts, the Controller, the Treasurer, the Coroner and the Sheriff.

This Code establishes rules of integrity and civility that contribute to the success of the basic structure of the County Government and to maintaining positive and effective working relationships between all County officials and employees.

§126.3 LIMITATIONS:

This Code addresses selective aspects of the governments of the County, but does not replace any other laws that prescribe the legal responsibilities of the County Commissioners. Those include, among others, the Pennsylvania Constitution, and the Constitution of the United States of America, various provisions of the Purdon's Pennsylvania Statutes and Federal laws prohibiting discrimination, harassment and the provisions of the County's own Code and the York County Policy Manual. Elected and appointed officials should be familiar with these laws to assure that they exercise their responsibilities properly. To that end the County will provide for periodic training through professional organizations, which should be attended by all County officials.

In addition, the County Solicitor is available to respond to questions about these matters. It is not possible for a Code of this kind to anticipate and provide a rule of conduct for all situations. It is expected that officials will manage their behavior in a manner consistent with the rules that follow, respect the chain of command and stay within the bounds of their authority. It is also expected that officials will treat each other, county

employees, residents and business people with courtesy and respect in a manner that reflects well on the County.

§126.4 POLICY AND RULES:

The York County Commissioners have adopted a Code of Conduct for members of the County Government to assure public confidence in the integrity of local government and its effective and fair operation:

A. Fidelity in office: The residents, citizens and businesses of the County of York are entitled to have fair, ethical and accountable county government which has earned the public's full confidence for integrity. In keeping the County of York to a commitment of excellence, the effective functioning of democratic government therefore requires that:

- Public officials both elected and appointed comply with both the letter and spirit of the laws and policies effecting the operation of county government.
- Public officials shall be independent, impartial and fair in their judgment and actions.
- Public office should be used for public good not for personal gain.
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- Public officials, both elected and appointed, shall be thoroughly familiar with the rules of law that apply to their offices.

The Ethics sections of the State law together with the York County Policy Manual and York County Code provide guidance on both ethical issues and questions of what is right and what is wrong.

B. Acting in the Public Interest: It is important to recognize that stewardship of the public interest must be a primary concern of elected and appointed officials, who shall work for the common good of the people of the County of York and not for any private or personal interest. They will assure fair and equal treatment of all persons, claims and transactions coming before the County Commissioners or its Boards and County Commissions and Authorities.

1. Elected and appointed officials must comply with both the spirit and letter of the law. Members shall comply with the laws of the United States,

Commonwealth of Pennsylvania and the policies and procedures established in the County Code and County Policy Manual. The laws applicable to elected and appointed officials are not limited to those in the United States and Pennsylvania Constitution, but also all laws that pertain to conflict of interest, election campaigns, financial disclosure, employer responsibilities and open processes of government and county ordinances and policies.

2. The professional and personal conduct of elected and appointed officials must be above reproach and such so as to avoid even the appearance of impropriety. Elected and appointed officials shall refrain from abusive conduct, bullying, or verbal attacks upon the character or motive of other appointed or elected officials, and all employees of County government
3. Elected and appointed officials shall perform their duties in accordance with the processes and rules of order established by the law, including those policies specifically established by the Board of Commissioners governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policies and decisions of the County Commissioners.
4. Elected and appointed officials shall prepare themselves for public issues, internal administrative issues and, where applicable, personnel issues. Officials shall listen courteously and attentively to all public discussions before any hearing or meeting and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.
5. Elected and appointed officials shall base their decisions on the merits and substance of the matter at hand rather than on unrelated considerations, and only after full and proper investigation of the relevant facts and complete research of the applicable rules and principles so that such decisions are fully informed.
6. Elected and appointed officials shall publically disclose substantive information that is relevant to a matter under consideration which they may have received from sources outside of the public decision making process.

7. Because of the value of independent advice of authorities and boards to the public decision making process, members of the County Commission and all elected and appointed county officials shall refrain from using their position to unduly influence the deliberation or outcome of authority boards and the meetings of the Board of Commissioners.
8. Elected and appointed officials shall support the maintenance of a positive and constructive work place for the county employees and for citizens and businesses dealing with the county.
9. Elected and appointed officials shall recognize their special role in dealing with county employees to in no way create the perception of inappropriate direction to staff.

§126.5 PUBLIC MEETINGS:

All elected and appointed officials should practice civility and decorum in discussions and debates. Difficult questions, tough challenges to a particular point of view and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, appointed and elected officials to make belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments. No shouting or physical action construed as threatening will be tolerated.

A. RESPECT THE ROLE OF THE CHAIR IN MAINTANING ORDER:

It is the responsibility of the Chair to keep the comments of members on tract during public meetings. Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, these objections should be voiced politely and with reason, following procedures outlined in Parliamentary Procedures.

B. AVOIDING PERSONAL COMMENTS THAT COULD OFFEND OTHER MEMBERS:

If a member of the Commission or a Board or Authority is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point a personal privilege" that challenges the other member to justify or

apologize for the language used. The Chair will maintain control of this discussion.

C. INDEPENDENCE OF AUTHORITIES, BOARDS AND DEPARTMENTS:

Because of the value of the independent advice of authorities, boards and departments, to the public decision making process, members of the Board of Commission shall refrain from using their position to unduly influence the deliberation or outcomes of authority, boards or department proceedings.

§126.6 POSITIVE WORK PLACE ENVIRONMENT:

Elected and appointed officials shall support the maintenance of a positive and a constructive work place environment for County employees and for citizens and businesses dealing with the county. Elected and appointed officials shall recognize their special role in dealing with county employees and in no way create the perception of inappropriate direction to staff.

A. CIVIL AND CORDIAL RELATIONS:

Civil and cordial relations are critical to the appropriate performance of governmental function. No elected or appointed official shall bully or use threats or force upon any person to accomplish any task. While sometimes a disciplinary action must be taken, it should always be done in a civil and proper way, following procedures of fairness and due process appropriate to the question at hand. The constant and consistent theme through all of the conduct guidelines is "respect". All elected and appointed officials sometimes experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can guide elected and appointed officials to do the right thing even in the most difficult situations. Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the

county. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

B. CONFLICT OF INTEREST:

In order to assure their independence and impartiality on behalf of the common good, elected and appointed officials shall not use their official positions to influence government decisions in which they have an anterior, financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interest in real property, sources of income and gifts and they shall abstain from participating in deliberations and decision making where conflicts may exist.

C. GIFTS, FAVORS AND MISUSE OF AUTHORITY:

Elected and appointed officials shall not take any special advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public, in general. They shall refrain from accepting any gifts, favors or promises of future benefits which compromise their independence of judgment or action or give the appearance of being compromised.

D. CONFIDENTIAL INFORMATION:

Elected and appointed officials shall respect the confidentiality of information concerning the property, personnel or affairs of the county. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or other private interest.

E. USE OF PUBLIC RESOURCES:

Elected and appointed officials shall not use public resources not available to the public such as county staff time, equipment, supplies or facilities for private gain or personal advancement or advantage of any kind.

F. LEADERSHIP

True leadership requires planning foresight. There are times when adhering to the commitments of campaign promises or complying with the demands of many vocal electors may not be in the long-term best interest of the county population. It might not even be consistent with established county policy. For example, adhering to a policy of no-tax increases is perennially popular. There may be times, however, when modest increases in taxes, now, may avoid catastrophic tax increases in the foreseeable future.

The final decision of elected and appointed officials, whether popular or not, must be guided by the conscience of each elected and appointed official. So long as it is a decision based upon an unbiased, complete investigation, with knowledge of the probable consequences, which are explained by the decision maker, the decision will be the right one.

ARTICLE II

This Ordinance shall become effective immediately.

Dully enacted and ordained this _____ day of _____, 2012, by the Board of Commissioners of York County, Pennsylvania in law _____ session dully assembled.

Attest: _____
Chief Clerk, County of York

By: _____

The above Ordinance was ordained, enacted and adopted this _____ day of _____, 2012, at a regular meeting of the Board of Commissioners of the County of York, Pennsylvania upon motion of _____, seconded by _____, and passed with a vote of _____ yes and _____ no.